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### Counsel for Gregory Greene and Joseph Lack

## IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

In re:

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# CREDITORS GREGORY GREENE AND JOSEPH LACK'S RESPONSE REGARDING RECOGNITION AND RESERVATION OF RIGHTS WITH RESPECT TO VENUE

Gregory Greene and Joseph Lack (collectively, the "<u>Class Action Plaintiffs</u>") by their attorneys, Edelson P.C., Honigman Miller Schwartz and Cohn LLP, and Haynes and Boone LLP, file this response regarding recognition and reservation of rights with respect to venue and respectfully state as follows:

1. The Class Action Plaintiffs do not oppose recognition by this Court of Nobuaki Kobayashi (the "<u>Trustee</u>") as the foreign representative of the above-captioned debtor (the "<u>Debtor</u>") in a foreign main proceeding.

2. The Class Action Plaintiffs have been in discussions with counsel for the Trustee with respect to whether the Northern District of Texas is the proper venue for this case. The Class Action Plaintiffs have arrived at an understanding with counsel for the Trustee regarding issues surrounding venue and the investigation thereof, and are cautiously optimistic that the Trustee will agree.

3. Since no binding agreement has yet been authorized by the Trustee, out of an abundance of caution, the Class Action Plaintiffs reserve all rights to contest venue and to seek discovery in connection therewith.

Dated: June 6, 2014

Respectfully submitted,

By: /s/ Robin E. Phelan

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# **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on June 6, 2014 a true and correct copy of the foregoing document was served (i) upon all parties on the attached Service List via e-mail (if available as indicated thereon) or first class mail, and (ii) via e-mail upon the parties that receive electronic notice in this case pursuant to the Court's ECF filing system:

/s/ Robin E. Phelan

Robin E. Phelan

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